

REMARKS

Reconsideration of the present application is respectfully requested.

The Notice of Non-Compliant Amendment states that Amendment filed on May 15, 2009 is not in accordance with 37 CFR § 1.4 on the ground that the Amendment was signed by an attorney not of record. The Notice advises Applicant to file a new power of attorney. For the reasons stated below, the Amendment was properly signed and new power of attorney is not required.

At the outset, Applicants thank Examiner Kim for the courtesies extended to Applicant's Attorney (undersigned) during her telephone call of September 16, 2009, and for the Examiner's kind follow-up. As per the Examiner's request, Applicants are filing this response with the following explanation.

Applicants respectfully point out that the Amendment filed on May 15, 2009 was properly signed by their representative Nada Jain acting in a representative capacity pursuant to 37 CFR § 1.34. Thus, when a patent practitioner signs a paper in practice before the USPTO in a patent case, the "signature shall constitute a representation to the United States Patent and Trademark Office that under the provisions of this subchapter and the law, he or she is authorized to represent the particular party on whose behalf he or she acts." *Id.* Applicants further submit that in accordance with the requirements of the above subchapter, Applicants' representative, Nada Jain, provided her registration number on the Amendment filed on May 15, 2009.

Except for certain matters, a patent practitioner may act in a representative capacity without a power of attorney. (For such exceptions, please see MPEP § 402). However, pursuant to 37 CFR § 1.33(b)(2), an Amendment may be signed by a "registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34." Accordingly, the Amendment filed on May 15, 2009 was properly signed and should be entered into the record of the present Application.

Finally, Applicants respectfully submit that because Applicants timely filed a properly signed Amendment, the present response does not reflect a delay on Applicants' part, and therefore should not adversely affect any patent term adjustments.

Respectfully submitted,

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/Nada Jain/

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